

City of Newport Beach
General Plan/LCP Implementation Committee Minutes

Date: April 24, 2013

Location: Newport Beach Civic Center – 100 Civic Center Drive
Corona del Mar Meeting Room – Bay E - Room 1016

Members Present: Edward Selich, Council Member (Chair)
Nancy Gardner, Council Member
Michael Toerge, Planning Commission Chair
Fred Ameri, Planning Commission Secretary

Members Absent: Rush Hill, Mayor Pro Tem
Bradley Hillgren, Planning Commission Vice Chair

Staff: Kimberly Brandt, Community Development Director
Brenda Wisneski, Deputy Community Development Director
Patrick Alford, Planning Manager
Leonie Mulvihill, Assistant City Attorney

Public: Steve Ray
Thomas Mathews
Dorothy Kraus
James Mosher

I. Call Meeting to Order

The meeting was called to order at 3:30 p.m.

II. Introductions

Chair Selich presented background on the Committee and the tasks completed to date. He noted that the LCP certification was postponed until after the Zoning Code was adopted.

Members of the Committee, staff, and members of the public introduced themselves.

III. Public Comment on Non-Agendized Items

None

IV. Local Coastal Program Certification

i. Introduction by staff

Community Development Director Brandt summarized the work staff had completed since the Zoning Code was adopted, freeing staff to again work on LCP certification. She stated that staff had already started discussions with Coastal Commission staff, but were still waiting for responses to staff's initial inquiries.

ii. Implementation Plan

Proposed incorporation into the Zoning Code

Planning Manager Alford summarized the previous LCP certification efforts. He then explained staff's recommendation to incorporate the LCP Implementation Plan into the Zoning Code.

Chair Selich questioned this approach, noting that the Committee had previously rejected it. He expressed concern about the level of involvement by Coastal Commission staff in non-coastal issues. He recognized problems associated with redundancies in having two codes, but stated that it would be prudent to develop an implementation plan for only coastal zone properties.

Responding to a question from Council Member Gardner about the experience of other cities, Deputy Community Development Director Wisneski summarized internal staff discussions and those with the Coastal Commission staff on the various approaches. A general discussion ensued regarding the level of ongoing Coastal Commission involvement after certification, how to differentiate between coastal regulations and non-coastal regulations, and the pros and cons of two separate documents.

Chair Selich reiterated his objections to the prospect of all Zoning Code amendments requiring Coastal Commission approval, even if they are deemed *de minimus*. He suggested that the Committee consider the separate document approach, and return to a single document if need be.

Community Development Director Brandt stated that staff had received their direction and would proceed with drafting a separate document.

1. Proposed segmentation of selected areas of the City

Planning Manager Alford explained staff's proposal to create a LCP segment for those areas of the City with issues that might delay certification for the rest of the City.

A brief discussion ensued regarding a future Newport Coast segment.

Community Development Deputy Director Wisneski described the proposed segment, which includes the bluff and canyons areas of Irvine Terrace and Corona del Mar.

Planning Manager Alford explained that Phase I would allow the bulk of the City to be certified relatively quickly; afterward, staff could focus on resolving the more difficult issues, such as Phase II.

Council Member Gardner asked if the segment was intended to address bluff and canyon issues, why all the other areas were included. Planning Manager Alford responded that staff wanted to define a unified geographic area and included all of the problem areas.

In response to questions by the Committee, staff presented an overview of the current Categorical Exclusion Order, current procedures, and how it may be extended and administered following certification. Staff also answered questions regarding post-certification appeals to the Coastal Commission.

Chair Selich directed staff to use segmentation as a fallback option.

At the request of Council Member Gardner, Assistant City Attorney Mulvihill gave an update on the work she is doing with the League of California Cities' Coastal Cities Group.

iii. Review of key issues/update on discussions with Coastal Commission staff

Staff reported that the City's bluff development regulations had been submitted to Coastal Commission staff for a formal review, but no comments had been received. Staff commented on the Coastal Commission recommendations on projects approved by the City using the Bluff Overlay and how there are no examples of Coastal Commission action on canyon properties due to the Categorical Exclusion Order.

A general discussion ensued regarding the previous attempt at drafting a canyon overlay, recent examples of applying canyon policies, erosion hazards, methods of establishing canyon development limits, and issues

associated with the Irvine Terrace bluffs. Staff was directed to prepare canyon development standards that are as clear and objective as possible.

iv. Preliminary project schedule

Planning Manager Alford stated that the drafting of the implementation plan as directed could still proceed under the project schedule, but that additional time may be necessary for the coastal resource protection section since the coastal bluff and canyon issues would have to be addressed in Phase I.

V. Schedule Future Meetings

The Committee agreed to meet at 3:30 p.m. on Wednesdays following the second City Council meeting.

VI. Public Comment

Jim Mosher inquired about meeting minutes and commented on bluff protection.

Steve Ray commented on the Committee's discussions, segmentation, categorical exclusions, and consistency with the land use plan.

VII. Adjournment *Next Meeting Date: May 29, 2013, at 3:30 p.m.*

The agenda for the Regular Meeting was posted on April 19, 2013, at 2:30 p.m., on the City Hall Bulletin Board located in the entrance of the Council Chambers at 100 Civic Center Drive.